

FEB 28 1991

Mr. Morris M. Sherman  
Leonard, Street and DeInard  
Suite 2300  
150 South Fifth Street  
Minneapolis, MN 55402

Dear Mr. Sherman:

This letter is in response to your letter to the  
Environmental Agency (EPA) dated 1/24/91.  
stated that EPA did not respond to your  
former shareholders of Mass Merit  
remedy at the Arkwood Superfund

Greeney of the U.S.  
your letter, you  
you on behalf of  
garding the proposed

As you are aware from telephone c  
staff, EPA believes that the comm  
the same as those submitted by MMI  
of Decision (ROD) where the MMI co

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e substantively  
used in the Record  
addressed.

The following is a summary of the comments submitted by you on behalf of the  
former shareholders of MMI and how each was responded to in the ROD.

1. Comment: The former shareholders object to the use of the 20 ppb  
dioxin cleanup level. This cleanup level was not properly  
established.

EPA Response: Page 79, Comment 5, of the ROD Responsiveness Summary  
explains that this cleanup level is the accepted cleanup  
goal for industrial uses as established by the Agency for  
Toxic Substances and Disease Registry.

2. Comment: The former shareholders object to the use of the Interim  
Procedures for Estimating Risks Associated with Exposures  
to Mixtures of Chlorinated Dibenzo-p-dioxins and Dibenzo-  
furans (Parts I and II) because these were not promulgated  
with appropriate public notice and comments.

EPA Response: Page 78, Comment 4, of the ROD Responsiveness Summary  
states that EPA is under no obligation to establish  
policies through a formal rulemaking process. Page 78  
also states that the concept of using these "Interim  
Procedures" was widely peer reviewed.

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3. Comment: There is some controversy regarding the toxicity of dioxin. The potency of dioxin as a carcinogen may be overstated by the EPA Endangerment Assessment policy and guidance.

EPA Response: Page 79, Comment 8, of the ROD Responsiveness Summary states that EPA calculations of carcinogenic risk, due to the presence of dioxin, were performed in accordance with EPA policies and guidance. It also states that the EPA policies and guidance were subjected to a cross-program peer review. It further recognizes the fact that various potencies for dioxin exist. However, the EPA response also states that the use of potencies that have not been reviewed and approved by EPA is contrary to EPA policy and guidance.

4. Comment: The preferred remedy is not consistent with the National Contingency Plan (NCP). There is no need for such an extensive and high cost remedy because the site currently poses a risk that is within the acceptable risk range ( $10^{-4}$  to  $10^{-6}$ ) and because the site contaminants do not pose a threat of migration.

EPA Response: Page 77, Comment 1, of the ROD Responsiveness Summary states that under the worst case residential scenario an excess risk of  $4 \times 10^{-3}$  exists at the site. This is outside the acceptable risk range. Under the most probable future land use scenario an excess risk of  $10^{-4}$  was calculated. This is the upper bound of the acceptable range. It further states that dioxin exists at the site above accepted levels for residential and even industrial uses. Further still, it states that the site has already contaminated offsite ground water above the maximum contaminant level (MCL) for PCP. Page 83, Comment 16, expands on the uncertainty regarding the ability of site contaminants to migrate. It states that the knowledge gained during the RI indicates that the Arkwood area geology is too complex to define, that the ground water migration pathways are unknown and will remain so, and that the possibility of sinkhole formation does exist. It concludes that these uncertainties underscore the need to comply with the CERCLA preference for permanent treatment.

5. Comment: A site specific threat to the public health, welfare, and environment was not demonstrated by the Endangerment Assessment.

EPA Response: This comment is nearly identical to the comment discussed above. Page 77, Comment 1, of the ROD Responsiveness Summary states that, according to the Endangerment Assessment, the risk posed by the site is beyond or equal

to the upper bound of the acceptable risk. It further states that dioxin exists at the site at levels considered unacceptable for residential or even industrial uses, and that the site has already contaminated ground water above the MCL for PCP.

6. Comment: A capping remedy is consistent with the NCP and is cost effective.

EPA Response: Comment 5, page 71, and Comment 18, page 84, of the ROD Responsiveness Summary address this comment. These state that since a capping remedy (Alternative D) results in high concentrations of untreated contaminants remaining onsite, such a remedy does not meet the NCP requirement for long-term protectiveness.

I trust these responses address your concerns.

Sincerely,

Garret Bondy, P.E.  
Chief  
AR/LA Superfund Enforcement Section